

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

ALL YEAR HOLDINGS LIMITED,

Debtor.

Chapter 11
Case No. 21-12051 (MG)

AYH WIND DOWN LLC, through Ofer Tzur and Amir Flamer, solely in their joint capacity as Claims Administrator,

Plaintiff,

- against -

ALEXANDER M. ENGELMAN,

Defendant.

Adv. Proc. No. 23-01196 (MG)

Amended Case Management and Scheduling Order #1

This Case Management and Scheduling Order is entered by the Court following a Case Management and Scheduling Conference held on September 12, 2024.

1. The deadline for all fact discovery in this case is extended, and absent further order of the court, it expires at 5:00 pm, October 31, 2024.

2. Defendant shall disclose the identity of any expert witness on or before 5:00 pm, October 31, 2024, and shall provide opposing counsel with a copy of any expert report, and any underlying documents, on or before 5:00 pm, November 7, 2024. Defendant's expert must be available for deposition by plaintiff's counsel on or before 5:00 pm, November 14, 2024.

3. Plaintiff's counsel stated that plaintiff does not intend to call any experts during its case-in-chief. If plaintiff intends to call any rebuttal expert witness, plaintiff shall disclose the

identity of any rebuttal expert witness on or before 5:00 pm, November 18, 2024, and shall provide opposing counsel with a copy of any expert report, and any underlying documents, on or before 5:00 pm, November 25, 2024. Plaintiff's expert must be available for deposition by defendant's counsel on or before 5:00 pm, December 5, 2024.

4. Motions

a. All motions and applications shall be governed by the Civil Rules, Bankruptcy Rules and Local Bankruptcy Rules, including pre-motion conference requirements. The filing of any motion to dismiss an adversary complaint will not stay discovery.

b. Based on the issues in this case, as described by plaintiff's and defendant's counsel, no summary judgment motions will be permitted in this case.

c. Motion papers shall be filed promptly after service. All motions, and courtesy copies of motions, shall include a table of contents listing all affidavits and exhibits. Affidavits and exhibits shall be clearly identified by tabs on both the original and courtesy copies. Exhibits shall be marked sequentially such that no exhibit number or letter repeats, regardless of the affidavit to which it is attached. Exhibits for plaintiffs should be marked by numbers; exhibits for defendants should be marked by letters.

d. A courtesy copy of all motion papers shall emailed to Chambers promptly upon filing the motion on ECF at the following address: mg.chambers@nysb.uscourts.gov.

e. Unless prior permission has been granted, memoranda of law in support of and in opposition to motions are limited to 25 pages, and reply memoranda are limited to 10 pages. All memoranda shall be double-spaced, 12-point font, with 1" margins. Memoranda of 10 pages or more shall contain a table of contents and a table of authorities.

f. Before filing a motion, counsel for the moving party shall contact my Courtroom Deputy, Deanna Anderson, to obtain a hearing date for the motion.

5. Counsel shall submit a proposed Joint Pretrial Conference Order within thirty (30) days after the close of fact and expert discovery (whichever is later). The proposed Joint Pretrial Conference Order shall be prepared using the form of order that will be provided to counsel by my Courtroom Deputy or law clerks.

6. In the event of any discovery dispute in this action, counsel or *pro se* parties shall first meet and confer in an effort to resolve the dispute. If unable to resolve the dispute, counsel for any party seeking assistance from the Court shall, before filing any discovery motion, arrange a conference call with the Court with all counsel or *pro se* parties involved in the dispute. The Court will endeavor to resolve the dispute without the filing of any discovery motions.

7. The next Case Management Conference is scheduled for 3:00 pm, October 28, 2024.¹

8. This ORDER may not be modified or the dates herein extended, except by further Order of this Court for good cause shown. Any application to modify or extend any deadline established by this Order shall be made in a written application no less than five (5) days before the expiration of the date sought to be extended.

[Remainder of page intentionally left blank.]

¹ The Court shall provide a Zoom link to those persons who have made an eCourtAppearance by 4:00 p.m. (prevailing Eastern Time) the business day before the hearing. Any party appearing at, listening to, or observing the Hearing, must make an electronic appearance, an eCourtAppearance, by using the eCourtAppearance portal located on the Court's website, <http://www.nysb.uscourts.gov/ecourt-appearances> or by clicking the "eCourtAppearances" tab on Judge Glenn's page of the Court's website at, <https://www.nysb.uscourts.gov/content/chief-judge-martin-glenn>. Appearances must be entered on or before 4:00 p.m. (prevailing Eastern Time) on October 25, 2024. After the deadline to make appearances passes, the Court will send Outlook invitations to those persons who made eCourtAppearances, using the email addresses submitted with those appearances.

IT IS SO ORDERED.

Dated: September 16, 2024
New York, New York

/s/ Martin Glenn
MARTIN GLENN
Chief United States Bankruptcy Judge